

EXHIBIT 4

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE NORTHERN DISTRICT OF CALIFORNIA
3 OAKLAND DIVISION

4 ---oo---

5 CHASOM BROWN, et al.,)
6 on behalf of themselves)
7 and all others similarly)
8 situated,)
9 Plaintiffs,)
10 vs.) Case No.
11 GOOGLE LLC,) 4:20-cv-03664-YGR-SVK
12 Defendant.)
13 _____)
14 CONFIDENTIAL

15 ---oo---

16 Videotaped Zoom Deposition of
17 KONSTANTINOS PSOUNIS, Ph.D.

18 Friday, August 19, 2022

19 ---oo---

20
21 Katy E. Schmidt
22 RPR, RMR, CRR, CSR 13096
23 Veritext Job No.: 5344586
24
25 PAGES 1 - 250

CONFIDENTIAL

1 IN THE UNITED STATES DISTRICT COURT 2 FOR THE NORTHERN DISTRICT OF CALIFORNIA 3 OAKLAND DIVISION ---00o---	1 APPEARANCES CONT.: 2 3 For the Calhoun Plaintiffs: 4 (Appeared via Zoom) 5 SIMMONS HANLY CONROY 6 BY: AN TRUONG, Esq. 7 112 Madison Avenue, 7th Floor 8 New York, New York 10016-7416 9 212.257.8482 10 atruong@simmonsfirm.com 11
4 CHASOM BROWN, et al.,) 5 on behalf of themselves) 6 and all others similarly) 7 situated,) 8 Plaintiffs,) 9 vs.)Case No. 10 GOOGLE LLC,)4:20-cv-03664-YGR-SVK 11 Defendant.) _____ 12 BE IT REMEMBERED that, pursuant to Notice, 13 and on Friday, the 19th day of August, 2022, 14 commencing at the hour of 9:04 a.m., thereof, in Los 15 Angeles, California, before me, KATY E. SCHMIDT, a 16 Certified Shorthand Reporter in and for the County of 17 Yolo, State of California, there virtually personally 18 appeared 19 20 KONSTANTINOS PSOUNIS, Ph.D. 21 called as a witness herein, who, being by me first 22 duly sworn, was thereupon examined and interrogated as 23 hereinafter set forth.	12 For The Defendants: 13 (Appeared via Zoom) 14 QUINN EMANUEL URQUHART & SULLIVAN LLP 15 BY: JOSEF ANSORGE, Esq. 16 BY: CARL SPILLY, Esq. 17 1300 I Street, Suite 900 18 Washington, D.C. 20005 19 202.538.8000 20 josefansorge@quinnemanuel.com 21 22 Also present: 23 Sean Grant, Videographer 24 Jonathan Hochman, Expert Witness 25
	Page 2
	Page 4
1 APPEARANCES: 2 3 For The Brown Plaintiffs: 4 (Appeared via Zoom) 5 MORGAN & MORGAN 6 BY: JOHN YANCHUNIS, Esq. 7 BY: RYAN MCGEE, Esq. 8 201 North Franklin Street, Suite 700 9 Tampa, Florida 33602 10 813.223.0931 11 jyanchunis@forthepeople.com 12 (Appeared via Zoom) 13 BOIES SCHILLER FLEXNER LLP 14 BY: MARK MAO, Esq. 15 BY: ALISON ANDERSON, Esq. 16 BY: ERIKA NYBORG-BURCH, Esq. 17 BY: LOGAN WRIGHT, Esq. 18 44 Montgomery Street, 41st Floor 19 San Francisco, California 94104 20 415.293.6800 21 mmao@bsflp.com 22 SUSMAN GODFREY, LLP 23 BY: JOHN PRIDDY, Esq. 24 1301 Avenue Of The Stars, 32nd Floor 25 New York, New York 10019 212.729.2044	1 INDEX OF EXAMINATION 2 ---00o--- 3 4 Examination by Mr. Mao 10 5 Examination by Mr. Ansorge 229 6 7 ---00o--- 8 9 QUESTIONS INSTRUCTED NOT TO ANSWER 10 11 Page Line 12 13 (NOTHING OFFERED.) 14 15 ---00o--- 16 17 18 19 20 21 22 23 24 25
	Page 3
	Page 5

2 (Pages 2 - 5)

CONFIDENTIAL

1 collaborators, I always refer to them their first 2 name. This is just my way of collaborating with 3 people. It could be Gao. But I find this immaterial, 4 if I'm allowed to say.	03:04	1 I'm going to try to remember to the best of my 2 recollection. I think it's a computer science 3 Master's degree. But I'm not sure. I mean --	03:07
5 BY MR. MAO:	03:05	4 MR. ANSORGE: Objection. Asked and 5 answered.	03:07
6 Q. Did you find her qualifications immaterial 7 as well and therefore you don't remember right now?	03:05	6 And at this point I'd also like to caution 7 the witness to not reveal privileged communications	03:07
8 MR. ANSORGE: Yeah. Objection.	03:05	8 and to not speculate about the qualifications of 9 anybody.	03:07
9 Argumentative.	03:05	10 MR. MAO: Mr. Ansorge, you are on extremely 11 thin ice. You know I like you --	03:07
10 THE WITNESS: Not at all. I do consider 11 extremely important that my collaborators have 12 appropriate qualifications and this has been -- the 13 assurance to this effect has been given to me by	03:05	12 MR. ANSORGE: You asked the same question 13 four times over, Mr. Mao. You're badgering the 14 witness with the same question four times over. And	03:07
14 Mr. Ansorge.	03:05	15 he's nice, he's polite, and he's providing different 16 responses each time, and he's searching for answers to 17 your question. But if you were to actually look at	03:08
15 BY MR. MAO:	03:05	18 the transcript, you've asked him repeatedly the exact 19 same question.	03:08
16 Q. So what are her qualifications, sir, sitting 17 here today, defending your opinion?	03:05	20 BY MR. MAO:	03:08
18 MR. ANSORGE: Objection. Asked and 19 answered.	03:05	21 Q. How did you supervise Tracy's tests in this 22 case?	03:08
20 THE WITNESS: I already answered. But,	03:05	23 A. I have already answered this. Not the last 24 five minutes, but about a couple of hours ago when we	03:08
21 again, I got an assurance that she has the right 22 qualifications. I don't have a list off the top of my	03:05	25 discussed about the way -- by ways I have run the test	03:08
23 head now to tell you X 1, 2, 3, 4, 5, 6.	03:05	Page 174	Page 176
24 I did find her quite able to execute this 25 stuff. I was asking her. I can say that.	03:05		
1 BY MR. MAO:	03:06	1 I have -- I am reporting in my report. I can repeat 2 this or I can -- I don't mind. I can repeat this, or	03:08
2 Q. Did you check whether or not she had 3 technical qualifications to run the tests that you	03:06	3 you can look back at the transcript.	03:08
4 needed?	03:06	4 Q. Did you produce all of the tests?	03:08
5 A. I inquired about it and I've been assured 6 that she has. I didn't ask her to show me her	03:06	5 A. I'm not sure what you mean by that.	03:08
7 diplomas to verify myself that they are genuine, sir,	03:06	6 Q. What did you and Tracy test?	03:08
8 so...	03:06	7 A. I am referring to the tests that I include	03:08
9 Q. And what are her technical qualifications,	03:06	8 in my report. You can see in my report there are some	03:09
10 as you sit here today?	03:06	9 tests and some numbers.	03:09
11 MR. ANSORGE: Objection. Asked and 12 answered. Argumentative.	03:06	10 Q. Which parts of the -- which parts of your	03:09
13 BY MR. MAO:	03:06	11 report and tests were done by Tracy?	03:09
14 Q. What are they specifically?	03:06	12 MR. ANSORGE: Objection. Mischaracterizes	03:09
15 A. I got assurance from Mr. Ansorge that she	03:06	13 testimony.	03:09
16 has technical qualifications.	03:06	14 THE WITNESS: There are no parts or tests of	03:09
17 I don't want to say something that it's	03:06	15 my report that they were done by Tracy. There are	03:09
18 inaccurate. I just don't like inaccurate answers. I	03:06	16 some tests, data tests, data experiments, for which I	03:09
19 mean...	03:07	17 have oversaw and dictated and described in detail to	03:09
20 Q. Does she have more than a humanities degree?	03:07	18 be executed. And Tracy, Ms. Gao -- I don't know if I	03:09
21 A. For sure, yes.	03:07	19 have the right last name. It's more polite, I would	03:09
22 Q. Okay. Does she have a technical degree?	03:07	20 say, to use Ms. Gao in this official context, if this	03:10
23 A. As far as I recall, yes.	03:07	21 is the right last name -- was the person from counsel	03:10
24 Q. What kind of technical degree?	03:07	22 that executed my instructions.	03:10
25 A. I'm going to speculate -- not speculate.	03:07	23 Now, that I corrected the characterization	03:10
		24 of whether somebody else has executed anything or	03:10
		25 produced anything in my report, which is not the case,	03:10
		Page 175	Page 177

45 (Pages 174 - 177)

CONFIDENTIAL

1 I will tell you which parts of my report have numbers 2 based on data. 03:10	1 Mr. Mao. It's like a lot more precise instructions 03:13 2 than the ones I give on my students, to tell you the 03:13 3 truth. 03:13
4 BY MR. MAO:	4 It's like instructions I give to undergrads 03:13
5 Q. No. No, no, sir. You need to be able to 03:10 6 tell me, okay, which parts of your report, okay, were 03:10 7 done or assisted by Tracy. Let's start there so that 03:10 8 we don't get into an argument. 03:10	5 when they are working for me in the context of a 03:13 6 grant. Like do this, one, two, three, four, five. 03:13 7 Extremely precise. You cannot mess it up. It's an 03:13 8 execution task at that point. 03:13
9 MR. MAO: And, Joey, if you so much as try 03:10 10 to tamper with this, we're going to the Court. 03:11	9 And then the reason why I did it is because 03:14 10 I did not want to use USC equipment to actually run 03:14 11 the CPU cycles required to do it. So I gave very 03:14 12 precise instructions that an undergrad could do 03:14 13 easily. 03:14
11 MR. ANSORGE: Objection. Same objection. 03:11 12 Argumentative. 03:11	14 And then Ms. Tracy Gao was the person 03:14 15 that -- hopefully I'm not misspelling her name, last 03:14 16 name -- that did them and then sent the data back to 03:14 17 me, and then there was back and forth, to make sure 03:14 18 everything is properly done. 03:14
13 MR. MAO: Go ahead. 03:11	19 So the first such case in my report, if you 03:14 20 go to appendix G, profile data, this is the first 03:14
14 BY MR. MAO: 03:11	21 case. And let me -- what I'm doing is I'm doing a 03:14 22 search to also point out to where you will see me 03:14 23 mentioning this in the actual report. 03:14
15 Q. Go ahead, Professor. 03:11	24 Because Mr. Hochman himself cited this 03:14
16 A. Yes. So let's just do this and move on. 03:11	25 DBLS data, I got the data and I ran the test we are 03:15 Page 178
17 Okay. So let's go down. I'm scrolling. 03:11	Page 180
18 In an effort to give you a list, can I use a 03:12	
19 Post-it™ to put notes or should I remember in the 03:12	
20 process which parts are -- 03:12	
21 Q. Well, technically you were supposed to 03:12	
22 disclose that as part of the report, but since you 03:12	
23 didn't do that, you know, like I don't know what you 03:12	
24 need right now in order to demarcate this. But I 03:12	
25 would like some type of demarcation as to which parts 03:12	
Page 178	
1 were assisted by Ms. Gao. 03:12	1 discussing right now. And you can find more in 03:15 2 paragraph 80 of my report that refers to this data and 03:15 3 the tests. 03:15
2 MR. ANSORGE: Objection. Argumentative. 03:12	4 BY MR. MAO: 03:15
3 And you appear to entirely have forgotten 03:12	5 Q. Any other parts that were either done by 03:15 6 Ms. Gao or assisted by Ms. Gao? 03:15
4 that there's a stipulation between the parties that 03:12	7 A. As I said, no parts of my reports was done 03:15 8 by Ms. Gao. 03:15
5 extend to drafts and preparation. And although that 03:12	9 Q. What part contains tests run by Ms. Gao? 03:15
6 was a very important issue -- 03:12	10 A. I'm sorry. What -- 03:15
7 MR. MAO: Not tests. I mean, if your -- if 03:12	11 MR. ANSORGE: Objection. Argumentative. 03:15
8 your colleague is running tests, technical tests for a 03:12	12 Asked and answered. 03:15
9 professor, I am absolutely entitled to that. It 03:12	13 BY MR. MAO: 03:15
10 should have been disclosed in the reporting, and you 03:12	14 Q. What parts of your report contain tests run 03:15 15 by Ms. Gao? 03:15
11 know that, Joey. 03:12	16 A. Run. Okay. 03:15
12 MR. ANSORGE: This is the equivalent -- 03:12	17 What parts of my report contain test results 03:15 18 for which Ms. Gao executed the actual program in 03:16
13 BY MR. MAO: 03:12	19 servers other than mine is the way I would put it for 03:16 20 one more time. 03:16
14 Q. What part of the test or analysis was done 03:12	21 And -- so, Mr. Mao, let's just agree on what 03:16 22 I'm saying that has happened. I'm under oath. I'm 03:16 23 telling you exactly what has happened. So let's just 03:16 24 characterize it the way it is and I'm giving you -- I 03:16 25 promise I'm giving you, as always, very accurate 03:16 Page 179
15 by the lawyer? 03:12	Page 181
16 MR. ANSORGE: Mr. Mao, asked and answered 03:13	
17 many times over. 03:13	
18 THE WITNESS: So, one, I don't understand 03:13	
19 all the legal stuff you guys are discussing. I'm 03:13	
20 going to again say the following: 03:13	
21 The experiments test, I'm going to talk 03:13	
22 about over the next few minutes, as I will be scanning 03:13	
23 my report, have been done -- have been run essentially 03:13	
24 by me in the sense that I supervised them and I 03:13	
25 fully -- I gave very, very precise instructions, 03:13	

CONFIDENTIAL

1 information. 03:16	1 experiments? 03:21
2 So paragraph 80, I am referring to this, and 03:16	2 A. I didn't see the need for it. I don't 03:22
3 there is a table, you can see this table with some 03:16	3 interact with Google at all. I haven't interacted 03:22
4 Biscotti cookies and UIDs and a creation timestamp. 03:16	4 with anybody from Google at all throughout this 03:22
5 Then paragraph 82 is referring to these two 03:16	5 period. I haven't talked to a single person from 03:22
6 documents that we had a discussion about this earlier 03:16	6 Google. 03:22
7 on in my deposition, and you can find them in the 03:16	7 Q. How much would you estimate the equipment 03:22
8 appendix G, as I said, profile data. Paragraph 82 is 03:16	8 would have cost you in order to be able to run these 03:22
9 referring to the results of this test. 03:16	9 experiments? The ones that you list in your report, 03:22
10 Then there is one more place that I would 03:17	10 how much would it cost you? 03:22
11 like to bring to your attention to that matter and 03:17	11 A. I don't -- 03:22
12 this is -- 03:17	12 MR. ANSORGE: Mr. Mao, I've been quiet for 03:22
13 So would you like me to give you paragraphs 03:17	13 quite a while, so let me refer you back to the 03:22
14 so that it's very precise, paragraph numbers? 03:17	14 stipulation which you said does not apply. The first 03:22
15 Q. Yes, sir. Because precise is how you began 03:17	15 part of it states explicitly that communications -- 03:22
16 the deposition? 03:17	16 MR. MAO: No speaking objections. Don't 03:22
17 A. Perfect. 03:17	17 make a speaking objection. 03:22
18 If you go to paragraph 122, I am discussing 03:18	18 MR. ANSORGE: No. I'm telling -- I'm 03:22
19 the fact that user agents are served by many, many, 03:18	19 speaking to you directly on this. We have a 03:22
20 many devices. I have some citations to the fact of 03:18	20 stipulation saying the content of oral, written, or 03:22
21 the top 10 most popular user agents. User agents, by 03:18	21 other communications -- 03:22
22 the way, are served by tens of millions of people in 03:18	22 MR. MAO: Mr. Ansorge -- 03:22
23 the U.S. 03:19	23 MR. ANSORGE: -- among and between -- 03:22
24 And then in paragraph 122, I am using the 03:19	24 Mr. Mao -- 03:22
25 data submitted by the plaintiffs, and I'm doing 03:19	25 MR. MAO: The name is not disclosed as part 03:22
Page 182	
1 basically a matching exercise and I'm reporting some 03:19	1 of -- 03:22
2 numbers about user agents and they are common among 03:19	2 MR. ANSORGE: -- counsel and the expert or 03:22
3 multiple plaintiffs in this paragraph. 03:19	3 the expert staff and their supporting firms. 03:22
4 Q. Any other paragraphs or sections? 03:19	4 And you are explicitly asking about data 03:23
5 A. I am very meticulously going through this. 03:19	5 pulls that Dr. Psounis asked his counsel about. And 03:23
6 Okay. If you go to paragraph 120. 03:20	6 you're having that listed out in a form in which all 03:23
7 Q. Okay. 03:20	7 you're doing is creating heat at this point. 03:23
8 A. I am analyzing data produced in -- Google 03:20	8 We have a specific stipulation that goes to 03:23
9 produced under the special master process, essentially 03:20	9 this issue, Mr. Mao. 03:23
10 he same data I was referring to before, for 03:20	10 MR. MAO: I asked him -- the last question 03:23
11 IP addresses now; that they have multiple GAIs 03:20	11 in which you interrupted me and went on this tirade 03:23
12 associated with them. And I actually found 03:21	12 was asking him about how much the equipment would have 03:23
13 IP addresses with this property as well, particularly 03:21	13 cost in order for him to acquire and do it himself. 03:23
14 IP addresses that they correspond to more than one of 03:21	14 Are you withdrawing -- are you going to 03:23
15 the plaintiffs. 03:21	15 stand down or are we going to pause on that question? 03:23
16 So 120 paragraph is showing IP addresses 03:21	16 MR. ANSORGE: What I'm objecting to is your 03:23
17 that correspond to more than one of the plaintiffs, 03:21	17 entire line of questioning about Ms. Gao -- 03:23
18 and 122, as I already said, lists UAs that correspond 03:21	18 MR. MAO: Joey, my deposition -- stop, stop. 03:23
19 to more than one of the plaintiffs. 03:21	19 Okay? 03:23
20 And to be, as always, extremely precise, let 03:21	20 BY MR. MAO: 03:23
21 me also go to the appendices to make sure there's no 03:21	21 Q. Professor, how much would the equipment have 03:23
22 appendix related to this data. I don't remember. 03:21	22 cost in order for you to be able to not use USC's 03:23
23 Just -- 03:21	23 equipment and do -- run the test on your own 03:23
24 Q. I'm curious, Professor, why didn't you ask 03:21	24 equipment? 03:23
25 Google for equipment to run your tests and 03:21	25 MR. ANSORGE: Objection. Calls for 03:23
Page 183	

47 (Pages 182 - 185)

CONFIDENTIAL

1 speculation.	03:23	1 A. No. I can check.	03:26
2 THE WITNESS: I do not know.	03:24	2 Q. Was she the only person that assisted you on	03:26
3 BY MR. MAO:	03:24	3 these tests?	03:26
4 Q. You do not know as a technical expert how	03:24	4 MR. ANSORGE: Objection. Mischaracterizes	03:26
5 much it would have cost you, even an estimate?	03:24	5 prior testimony. Assumes facts not in evidence.	03:26
6 A. I --	03:24	6 Asked and answered many times over in direct violation	03:26
7 MR. ANSORGE: Same objection.	03:24	7 of the stipulation that the parties have reached with	03:27
8 THE WITNESS: I have not analyzed, looked	03:24	8 regard to discovery of expert work.	03:27
9 into it, counted cycles, so no.	03:24	9 BY MR. MAO:	03:27
10 BY MR. MAO:	03:24	10 Q. Sir, you're not being instructed not to	03:27
11 Q. And it never occurred to you that you can	03:24	11 answer because your counsel knows I'm right.	03:27
12 ask Google for equipment to run experiments -- run	03:24	12 A. Again, I want to stay out of the legal part.	03:27
13 these tests that you refer to in your report?	03:24	13 MR. ANSORGE: Yes.	03:27
14 MR. ANSORGE: Objection. Mischaracterizes	03:24	14 Object to that entirely, to that	03:27
15 Exhibit 1. Mischaracterizes prior testimony. And	03:24	15 characterization.	03:27
16 argumentative.	03:24	16 THE WITNESS: She was the only person that	03:27
17 THE WITNESS: As I said, I have not	03:24	17 executed my detailed instructions about what exactly	03:27
18 interacted with anybody from Google throughout this	03:24	18 to do in order to produce the numbers in the results	03:27
19 time. I don't feel like I am working for Google or	03:24	19 that I have in the report.	03:27
20 anything like that. I've been retained by the	03:24	20 BY MR. MAO:	03:27
21 counsel. The natural thing to do for me was to reach	03:24	21 Q. Was she the only person who was providing	03:27
22 out to counsel about this. And I'm going to stay out	03:24	22 you materials as well for review?	03:27
23 of the legal arguments that you guys have.	03:25	23 MR. ANSORGE: Objection. Direct violation	03:27
24 BY MR. MAO:	03:25	24 of the stipulation the parties have reached, Mr. Mao.	03:27
25 Q. Have you -- you've done prior expert	03:25	25 THE WITNESS: I'm not sure I understand what	03:28
			Page 188
1 reports, technical expert reports in other cases.	03:25	1 you mean by providing me direct materials.	03:28
2 Isn't that correct, Professor?	03:25	2 Is it about the test? It's about what?	03:28
3 A. Correct.	03:25	3 BY MR. MAO:	03:28
4 Q. And people that assist you in the	03:25	4 Q. Going back to Exhibit No. 9.	03:28
5 formulation of your report in those other cases, did	03:25	5 After you having read all those paragraphs	03:28
6 you list them in your report?	03:25	6 you did to find which Tracy we're talking about, do	03:28
7 A. I don't remember, but I believe -- I'm	03:25	7 you recall what joining beacons are for	03:28
8 trying to remember my recent report. I don't remember	03:25	8 Google Analytics?	03:28
9 if I listed them or not. It's been some months now.	03:25	9 MR. ANSORGE: Objection. Asked and	03:28
10 Q. Do you know whether under the Rules of	03:25	10 answered.	03:28
11 Evidence and procedure for experts, do you know	03:25	11 THE WITNESS: I'm giving you the same answer	03:28
12 whether or not you need to list people who assisted	03:26	12 I gave before.	03:28
13 you in the creation of your report?	03:26	13 BY MR. MAO:	03:28
14 A. No.	03:26	14 Q. Which is what?	03:28
15 MR. ANSORGE: Mr. Mao, same objection	03:26	15 A. I don't know what is the rules here. What	03:28
16 referring to the stipulation between the parties. I	03:26	16 are the rules here?	03:28
17 don't want us to get into a shouting match, but it's	03:26	17 Q. The rules are if your attorney does not	03:28
18 beyond the pale, nothing we've ever done with any of	03:26	18 instruct you to answer -- not to answer, you're	03:28
19 your witnesses and something where you at this point	03:26	19 required to answer. So please, Professor --	03:28
20 would have stopped the deposition. We won't do so	03:26	20 MR. ANSORGE: Yeah.	03:29
21 because the facts are on our side. But we plead with	03:26	21 BY MR. MAO:	03:29
22 you to return to substantive questioning and stop	03:26	22 Q. -- what are joining beacons for	03:29
23 harassing the witness in this fashion.	03:26	23 Google Analytics?	03:29
24 BY MR. MAO:		24 MR. ANSORGE: There's valid objections.	03:29
25 Q. Are you sure her last name was Gao, G-a-o?	03:26	25 Asked and answered. Argumentative. It's harassment	03:29
			Page 189

48 (Pages 186 - 189)

CONFIDENTIAL

<p>1 undermine the opinions you offered in your report? 05:18 2 A. Not at all. Actually, my opinion related to 05:18 3 this sentence in my report explicitly says that Google 05:18 4 does not join unauthenticated with authenticated, 05:19 5 which is what this says. "But not from an 05:19 6 authenticated to unauthenticated log sources in 05:19 7 particular or vice versa." 05:19 8 Q. Dr. Psounis, do you recall Mr. Mao asked you 05:19 9 a series of questions about Exhibit 6? If you could 05:19 10 please pull that up. 05:19 11 A. I pulled it up. 05:19 12 Q. And you see at the top this document is 05:19 13 labeled "Incognito Events Labeling"? And then if you 05:19 14 look down three lines, do you see where it says 05:19 15 "Status: Proposed"? 05:19 16 A. Yes, I see that. 05:19 17 Q. Now, if you go further down, you see there's 05:19 18 four different approvers that are listed, four 05:19 19 different user names. 05:19 20 Do you see those? 05:19 21 A. Yes, I do. 05:19 22 Q. And you see that for three of them it states 05:20 23 "Approved" and for one it states "Pending"? You see 05:20 24 that? 05:20 25 A. Yes. 05:20 </p>	<p>1 Do you see that? 05:21 2 A. I do. 05:21 3 Q. Dr. Psounis, what's your opinion about the 05:21 4 maybeChromeincognito bit, which is opinion 8 of your 05:21 5 expert report, related to the app level or the 05:21 6 platform level? 05:21 7 A. It is related to what is being referred to 05:21 8 here as platform level. It has to do with browsers, 05:21 9 Chrome, example. 05:21 10 Q. Now, Dr. Psounis, how many opinions are in 05:21 11 your expert report? 05:21 12 A. I remember that by heart; 13. 05:22 13 Q. And today Mr. Mao asked you about 05:22 14 opinions 1, 2, and 8. 05:22 15 Do you recall that? 05:22 16 A. Do you mind if I go through my executive 05:22 17 summary? 05:22 18 Actually, no. I'm going to go through the 05:22 19 table of contents, just to make sure that I'm 05:22 20 answering precisely. 05:22 21 We touched pieces related to my opinion 1, 05:22 22 2, and 8. I didn't end up giving justification for 05:22 23 either of these three opinions and do them full 05:23 24 justice. But, yes, he did ask me about 1, 2, and 8. 05:23 25 There was a lot of back and forth. 05:23 </p>
<p style="text-align: right;">Page 234</p> <p>1 Q. Just based on this document before you, 05:20 2 would you expect this to indicate that something has 05:20 3 been implemented or does it look to you like this is 05:20 4 indicating that something is being proposed and has 05:20 5 yet to be approved? 05:20 6 MR. MAO: Objection. Leading. Calls for 05:20 7 speculation. 05:20 8 Go ahead. 05:20 9 THE WITNESS: This is clearly something that 05:20 10 it's at the proposed status, pending approval from 05:20 11 approver with user name "alihanlivdumlu." 05:20 12 BY MR. ANSORGE: 05:20 13 Q. Dr. Psounis, could you please turn to the 05:20 14 page ending with the Bates designation 797, and let me 05:20 15 know once you're there? 05:21 16 A. I am there. 05:21 17 Q. Second page of the document. 05:21 18 You see there's a comment on the side that 05:21 19 says "Commented (5)." It states that: 05:21 20 "Agree that extension provides more 05:21 21 flexibility in the future, especially 05:21 22 'incognito mode' is a concept across 05:21 23 app-level (example, Search, YouTube, GMM?) 05:21 24 and platform-level (example, Chrome and 05:21 25 Android.) 05:21 </p>	<p style="text-align: right;">Page 236</p> <p>1 Q. And did Dr. -- did Mr. Mao ask you about any 05:23 2 other opinions in your expert report today? 05:23 3 A. Let me read the rest of that. 05:23 4 I don't remember Mr. Mao raising any other 05:23 5 opinion number to me. 05:23 6 I can for sure say that there was no 05:23 7 discussion about entropy, on fingerprinting, 05:23 8 identifying class members, either class 1 or class 2. 05:23 9 No discussion about certain devices or certain 05:23 10 accounts. No discussion about the three opinions 05:24 11 related to Mr. Schneier. 05:24 12 I brought up -- at some point Mr. Mao talked 05:24 13 about joining stuff, but he never asked me about my 05:24 14 opinion 3. I remember the discussion with the joint 05:24 15 beacon that was a controversy. 05:24 16 Q. Dr. Psounis, do you recall Mr. Mao asking 05:24 17 you a series of questions about PPID? 05:24 18 A. Yes. 05:24 19 Q. Do you recall he asked you about a scenario 05:24 20 in particular where a user pulls a PPID from their 05:24 21 browser and provides that to Google? Do you recall 05:24 22 that? 05:24 23 A. Can you repeat again the question? I'm 05:25 24 getting a little bit jet-lagged. 05:25 25 Q. Sure. It's been a long day and thank you 05:25 </p>

Page 235

Page 237

60 (Pages 234 - 237)

CONFIDENTIAL

<p>1 MR. ANSORGE: No further questions at this 05:36 2 time. We reserve the right for further questions 05:37 3 depending on Mr. Mao's redirect. 05:37 4 MR. MAO: I have no questions, although I'm 05:37 5 slightly tempted at just having him read his whole 05:37 6 report into the record. I'm kidding. 05:37 7 MR. ANSORGE: That would have been a better 05:37 8 use of the past seven hours, Mr. Mao. 05:37 9 MR. MAO: I don't know about that. 05:37 10 Dr. Psounis -- Professor, it was an honor. 05:37 11 I'm sorry that, you know, this is adversarial. 05:37 12 Thank you, Mr. Ansorge. 05:37 13 MR. ANSORGE: Thank you, Mr. Mao. 05:37 14 With that, we can go off the record. 05:37 15 THE VIDEOGRAPHER: This concludes today's 05:37 16 deposition of Dr. Konstantinos Psounis. We are off 05:37 17 the record at 5:37 p.m. The number of units -- media 05:37 18 units is seven and will be retained by Veritext. 05:37 19 Thank you. 05:37 20 THE COURT REPORTER: Thanks, Counsel. 05:39 21 Before we go, are we doing the rough today 05:39 22 and then the final by Monday or Wednesday? 05:39 23 MR. MAO: Rough today, yes. Rough today, 05:39 24 please. 05:39 25 THE COURT REPORTER: And then final by 05:39 </p>	<p>1 REPORTER'S CERTIFICATE ---oo--- 2 STATE OF CALIFORNIA)) ss. 3 COUNTY OF YOLO) 4 5 I, KATY E. SCHMIDT, a Certified Shorthand 6 Reporter in and for the State of California, duly 7 commissioned and a disinterested person, certify: 8 That the foregoing deposition was taken before 9 me at the time and place herein set forth; 10 That KONSTANTINOS PSOUNIS, Ph.D., the deponent 11 herein, was put on oath by me; 12 That the testimony of the witness and all 13 objections made at the time of the examination were 14 recorded stenographically by me to the best of my 15 ability and thereafter transcribed into typewriting; 16 That the foregoing deposition is a record of 17 the testimony of the examination. 18 IN WITNESS WHEREOF, I subscribe my name on this 19 22nd day of August, 2022. 20  21 22 Katy E. Schmidt, RPR, RMR, CRR, CSR 13096 Certified Shorthand Reporter 23 in and for the County of Sacramento, 24 State of California 25 Ref. No. 5344586 KES </p>
<p>1 Monday or Wednesday? 05:39 2 MR. MCGEE: Monday would be great. 05:39 3 MR. MAO: Monday, if you can. 05:39 4 THE COURT REPORTER: Final by Monday. Okay. 05:39 5 MR. MCGEE: Thanks always, Katy. 05:39 6 (Whereupon, the deposition adjourned at 5:39 p.m.) 7 ---oo--- 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>	<p>1 MARK MAO, Esq. 2 mmao@bsflp.com 3 August 22, 2022 4 RE: BROWN vs. GOOGLE LLC 5 AUGUST 19, 2022, KONSTANTINOS PSOUNIS, Ph.D., JOB NO. 5344586 6 7 The above-referenced transcript has been 8 completed by Veritext Legal Solutions and 9 review of the transcript is being handled as follows: 10 ___ Per CA State Code (CCP 2025.520 (a)-(e)) – Contact Veritext 11 to schedule a time to review the original transcript at 12 a Veritext office. 13 ___ Per CA State Code (CCP 2025.520 (a)-(e)) – Locked .PDF 14 Transcript - The witness should review the transcript and 15 make any necessary corrections on the errata pages included 16 below, notating the page and line number of the corrections. 17 The witness should then sign and date the errata and penalty 18 of perjury pages and return the completed pages to all 19 appearing counsel within the period of time determined at 20 the deposition or provided by the Code of Civil Procedure. 21 ___ Waiving the CA Code of Civil Procedure per Stipulation of 22 Counsel - Original transcript to be released for signature 23 as determined at the deposition. 24 ___ Signature Waived – Reading & Signature was waived at the 25 time of the deposition.</p>

Page 247

Page 249

63 (Pages 246 - 249)